

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
6th Legislative Day
Thursday, January 21, 2016

Representative McCABE of Skowhegan assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.

Prayer by Pastor Trent Boyd, West Buxton Baptist Church, Buxton.

National Anthem by Mt. Jefferson Junior High 4th and 5th Grade Music Class, Lee.

Pledge of Allegiance.

Doctor of the day, Margaret Bordeau, D.O., Biddeford.

The Journal of Tuesday, January 19, 2016 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

An Act To Improve the Evaluation of Elementary and Secondary Schools

(H.P. 853) (L.D. 1253)
(C. "A" H-467)

PASSED TO BE ENACTED in the House on June 19, 2015.

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 406)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

January 20, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Jeff M. McCabe of Skowhegan to serve as Speaker Pro Tem to convene the House on January 21, 2016.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 403)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

January 21, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Appropriations and Financial Affairs

L.D. 518 An Act To Clarify and Protect Certain Public Service Retirement Benefits

Insurance and Financial Services

L.D. 889 An Act To Protect Maine's Small Businesses from High Interest Rates on Commercial and Business Loans

State and Local Government

L.D. 1190 An Act To Amend the Androscoggin County Charter

Taxation

L.D. 973 An Act To Ensure That Nicotine Products Are Taxed Equally

Sincerely,

S/Robert B. Hunt

Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 404)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

January 21, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On January 19, 2016

Dr. William H. Beardsley of Ellsworth

for appointment as the Commissioner of Education.

Pursuant to Title 20-A, MRSA §251, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 405)

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036

January 15, 2016

Honorable Michael D. Thibodeau, President of the Senate

Honorable Mark W. Eves, Speaker of the House

127th Maine Legislature

State House

Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature. In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

In the event that you may have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format at www.maine.gov/pfr/financialinstitutions.

Very truly yours,

S/Lloyd P. LaFountain III
Superintendent

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 642)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

January 19, 2016

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Appropriations and Financial Affairs, the nomination of Shirrin L. Blaisdell of Manchester for reappointment to the Maine Public Employees Retirement System, Board of Trustees.

Upon the recommendation of the Committee on Appropriations and Financial Affairs, the nomination of Peter M. Leslie of Waterford for reappointment to the Maine Public Employees Retirement System, Board of Trustees.

Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of Colonel Douglas A. Farnham of Bangor for appointment as the Adjutant General and the Commissioner of Defense, Veterans and Emergency Management.

Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of William A. Lee III, Esq. of Waterville for appointment to the Commission on Governmental Ethics and Election Practices.

Best Regards,

S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway" (EMERGENCY)

(H.P. 1063) (L.D. 1567)

Sponsored by Representative SAUCIER of Presque Isle.
Cosponsored by Senator PATRICK of Oxford and
Representatives: EDGECOMB of Fort Fairfield, MARTIN of Eagle Lake, MARTIN of Sinclair, McCABE of Skowhegan, McELWEE of

Caribou, SCHNECK of Bangor, STANLEY of Medway, WHITE of Washburn.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **TRANSPORTATION** suggested and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative WELSH for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1064) (L.D. 1568)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative WELSH for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1065) (L.D. 1569)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative WELSH for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1066) (L.D. 1570)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND**

NATURAL RESOURCES and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 35)

ORDERED, that Representative Mark N. Dion of Portland be excused January 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron M. Frey of Bangor be excused January 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stacey K. Guerin of Glenburn be excused January 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Norman E. Higgins of Dover-Foxcroft be excused January 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Deborah J. Sanderson of Chelsea be excused January 6 and 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Heather W. Sirocki of Scarborough be excused January 6 and 7 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

the Camden Hills Regional High School Mountain Bike Team on its winning the 2015 State Championship. This is their 17th consecutive championship. We extend to the members of the team our congratulations and best wishes;

(HLS 961)

Presented by Representative WELSH of Rockport.

Cosponsored by Senator MIRAMANT of Knox.

On **OBJECTION** of Representative WELSH of Rockport, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 19, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment in Memory of the Honorable Nancy Randall Clark, of Freeport

(SLS 841)

- In Senate, **READ** and **ADOPTED**.

TABLED - January 14, 2016 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - ADOPTION.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, I rise today in memory of the Honorable Nancy Randall Clark. When Nancy was in the room, there was no doubt who was in charge. She was practical. She was forceful. She was always a problem solver. Nancy was a community leader. She was deeply beloved in our town of Freeport and we miss her greatly already.

For me, personally, she was a mentor. She was the first woman to serve as Majority Leader in the Maine Senate. And today, as we celebrate Maine Women's Day at the State House, it seems especially poignant that we remember Nancy Randall Clark. Nancy was a master at the Harraseeket Grange. She was the president of the Freeport Women's Club. She belonged to the Freeport Elder's Association. She was an incredible teacher. She was a member of the Freeport Community Services and a member of the Daughters of the American Revolution. And each one of these things meant so much to her. Thank you for remembering Nancy with me today.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, I rise briefly to also honor Nancy Clark. Not only did she frequent these halls for 20 years, but as the head of our professional organization, she was the face of Maine teachers for many years, always smiling, energetic, efficient, upbeat, and on task. She deserves all the recognitions that she received during her life and I'm pleased to honor her today.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker and Members of the House, I had distributed an article which appeared about Nancy Randall Clark, which I think most of you might find very interesting and give you a good background of why she was the person that everyone liked to have around her.

My relationship with her began when I was Democratic Floor Leader. She was elected for the first time as we were in the minority. Made it very clear that it was her desire that we become in the majority even though some of you may know that Nancy was raised as a Republican and became a Democrat—came from a Republican family, as I did. And she came forth as a person, more important than being a member of a particular party, but interested in the future of the state. I recall a lot of things about her, some of which I can talk about, others which I cannot. But I can tell you, it's a great day that today is Women's Day in the Legislature because her goal was that women could control and be in charge of legislative committees.

I remember her coming into the office when I became Speaker and she indicated that the lack of number of women serving as Chairs had to change. And so, low and behold, by acts and otherwise, there was a majority of Chairs that were chaired by women in my second term as Speaker. And she came in and she said, "Well, that's a start. Now you have to go the rest of the way." I said, "Come on. We've done great things here together." But she was one of those who rarely took no for an answer, very forceful, and was a person who worked, not for the party, but for the people of Maine.

And so, it is, I think, a great day that we spend a few minutes talking about Nancy Randall Clark, for a person who was an inspiring person, who was a real legislator who wanted to work and make the system work. And so, I am pleased to be able to say a few things about her today. There's absolutely, to quote myself from the article, "She was extremely effective and she was

an advocate for the goals that she stood for." And so, I am pleased that we, today, can adjourn in her memory.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBINS**: Thank you very much, Mr. Speaker and Men and Women of the House, this brings back old memories of when I first began my political career. It's hard to believe it was 44 years ago. I came up to the State House to see whether or not I, as an honorary page, whether or not I would consider running for the Legislature and to begin the process of picking up my nomination papers.

Well, who did I run into at the time, was Nancy Randall Clark, who is in Augusta for two purposes: one, to pick up her nomination papers, and secondly, in her role as the president of the then called the Maine Teacher's Association. It was from that point on that I became friendly with Nancy and we both kind of followed our way through the political process, she running for a legislative seat in 1972 from the Town of Freeport, and my having to get through a five-year primary before I would be able to get to that point. She was very encouraging to me during that period of time and had some mutual teacher friends through the Maine Teacher's Association and through her professional affiliations who, ironically, became very helpful to my campaign. In fact, was the co-chair of my first campaign.

She was an incredible person that you could find her in this chamber at night time and she was roaming around the State House and she had permission from five or six legislators that she could empty out their waste baskets and take out from their waste baskets any reports or any periodicals—anything that she could send on to her constituents. And one, in particular, is someone who he referred to himself, self-imposed, "The Dean of the House," and it wasn't John Martin—he really was the Dean—but the Honorable Louis Jalbert. Well, Louis Jalbert, God rest his soul, she really liked him because she could mind his empty boxes or his waste baskets and take anything she wanted. She had that kind of permission. But her constituent work to her constituents was that way. She would want to make sure that whatever was wasted here got in the hands of the constituents and those other individuals that she represented and others.

I have to tell you, she also held the record of bringing the most pages of any legislator, and probably to this day, from the greater Freeport area to the Legislature to act as honorary pages. Unfortunately, at the time, I had just turned 21 years of age and she got a big kick out of the fact that she would always bring the National Honor Society or the officers of their senior class at the time to the Legislature and she just got the biggest kick out of sending me notes from certain legislators of the opposite sex of myself because she thought that was kind of cute.

But, in fairness to her, she really was a real model for young women throughout the State of Maine, always was looking to promote themselves. I remember when my daughter Delia, it was the joint convention of the Legislature, and my daughter Delia was three years old and she came over to see Delia and she said, "Are you going to be a teacher or a lawyer like your mommy or daddy?" And she said, "I don't know," she said, "I might consider be a doctor." And so the interesting part about it is my doctor just got through school and she now is a chiropractic physician.

She always kept up with those in the Legislature that she knew throughout the years. She really followed politics well. She was delighted when our colleague, Representative Gideon, was elected to the Legislature, as she was every other, and she was very delighted to have a President of the Senate, former President Beth Edmonds, elected as President of the Senate. To her, those were the accomplishments. All of the individuals in

this body should owe a great deal to individuals like Nancy Randall Clark. She truly was a great public servant, a wonderful person, and a good friend. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'll be really brief. I worked for Senator Clark—I think it was my third job—in the Maine Senate in the mid-'80's. I was a young twenty-something-year-old legislative aide and she was a wonderful person. So very sad to see of her passing a couple of weeks ago. Along with Dan Parody, we worked in our often stressful environment. We had a lot of things going on at once, a lot of deadlines to be met, and I'll always remember some of her great advice that she gave me. She was just a great mentor; very considerate and firm. But, she reminded me that, "You know, Kimberly, this job can be a very stressful job, so my advice to you is that it's never a bad idea to start early and buy that wrinkle cream and put it on day and night, especially around the lip lines." And I always just remember her saying that. She'll be greatly missed.

Subsequently, the Sentiment was **ADOPTED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Refer to the Committee on Judiciary** on Bill "An Act To Establish the Law Enforcement Assisted Diversion Program in Maine"

(H.P. 1011) (L.D. 1488)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

CHENETTE of Saco

READ.

On motion of Representative FOWLE of Vassalboro, the Majority **Refer to the Committee on Judiciary** Report was **ACCEPTED**.

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 19, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Strengthen Intragovernment Communication"
(S.P. 611) (L.D. 1560)

- In Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

TABLED - January 14, 2016 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

The following Joint Order: (S.P. 623)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 26, 2016 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

Bill "An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners"
(S.P. 617) (L.D. 1565)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge
(S.P. 619) (L.D. 1571)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative GIDEON of Freeport, the House adjourned at 11:15 a.m., until 10:00 a.m., Tuesday, January 26, 2016, pursuant to the Joint Order (S.P. 623) and in honor and lasting tribute to the Honorable Nancy Randall Clark, of Freeport.